

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

SNYDER’S-LANCE, INC. and
PRINCETON VANGUARD, LLC,

Plaintiffs,

v.

FRITO-LAY NORTH AMERICA,
INC.,

Defendant.

Case No. 3:17-CV-00652

DECLARATION OF GARY PLUTCHOK

I, Gary Plutchok, declare as follows:

1. I am over the age of 18 and competent to testify. I have personal knowledge of the matters stated in this declaration and would testify truthfully to them if called upon to do so.

2. In November 2010, I submitted a declaration in connection with proceedings before Trademark Trial and Appeal Board (“TTAB”). This declaration updates the information I provided at that time.


3. I am the President of Happy Herman’s Food Company, Inc. d/b/a Snacktree International (“Snacktree”), and Jetway Snacks LLC (“Jetway”). Both companies are leading distributors of semi-perishable packaged snack foods, including, among other things, a variety of salty snack foods like chips, crackers, and pretzels. Snacktree distributes foods to over 400 traditional food retailers throughout the Northeast, the largest of which is Whole Foods. Jetway Snacks specializes in distribution to travel and hospitality retailers in locations like airports and train stations, such as Hudson News and Faber News, and services nearly 600 outlets.

4. I began working with Snack Factory as one of its first distributors of PRETZEL CRISPS in 2005, and I have been worked with Snack Factory and Snyder's-Lance ever since. In the last two quarters (April 1 through September 30, 2018), Snacktree and Jetway collectively have distributed nearly 21,000 cases of Pretzel Crisps.

5. In my prior declaration, I stated that in my experience, the PRETZEL CRISPS mark is unambiguously synonymous with Snyder's-Lance's pretzel cracker product, and I consider PRETZEL CRISPS to be a trade name belonging to Snyder's-Lance. This continues to be the case today.

I declare under the penalty of perjury, that the foregoing is true and correct.

Executed on this 24th day of October, 2018, in Jersey City, New Jersey.



Gary Plutchok, President
Snacktree International
Jetway Snacks LLC

CERTIFICATE OF SERVICE

I do certify that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record or interested parties via the CM/ECF system.

This 29th day of October, 2018.

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/s/ Jonathan D. Sasser

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